

# State of South Dakota

SEVENTY-FIFTH SESSION  
LEGISLATIVE ASSEMBLY, 2000

463D0549

## SENATE STATE AFFAIRS COMMITTEE ENGROSSED NO. **HB1101** - 2/14/00

Introduced by: Representatives Michels, Apa, Chicoine, Duniphan, Engbrecht, Hennies, Koehn, McCoy, Napoli, Sutton (Duane), and Wilson and Senators Olson, Everist, Hutmacher, Munson (David), Reedy, Shoener, and Staggars

1 FOR AN ACT ENTITLED, An Act to revise the grounds for revocation or suspension of an  
2 alcoholic beverage license and to provide for the revocation of driving privileges upon a  
3 conviction for unlawful sales or purchases of alcoholic beverages involving persons under  
4 the age of twenty-one.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

6 Section 1. That chapter 35-2 be amended by adding thereto a NEW SECTION to read as  
7 follows:

8 No retail license may be revoked or suspended because of a violation of any statute,  
9 ordinance, rule, or regulation prohibiting the sale or service of any alcoholic beverage to a person  
10 under the age of twenty-one years if the violation was committed by an employee or agent of the  
11 licensee and:

- 12 (1) The licensee did not see the violation occur;
- 13 (2) The employee or agent has been certified by a nationally recognized training program  
14 approved by the Department of Revenue that provides instruction on techniques to  
15 prevent persons under the age of twenty-one years from purchasing or consuming

1           alcoholic beverages;

2           (3)   The licensee has a written policy requiring the licensee's employees or agents to  
3               examine the driver's license or other age-bearing identification document of any  
4               person who appears to be under the age of twenty-one years before selling or serving  
5               any alcoholic beverage to that person, and the employee or agent has agreed in  
6               writing to abide by the policy;

7           (4)   The employee or agent has not been convicted of a similar violation within the past  
8               twelve months; and

9           (5)   The licensee has not had any prior violation of any statute, ordinance, rule, or  
10           regulation prohibiting the sale or service of an alcoholic beverage to a person under  
11           the age of twenty-one years on the premise where the violation occurred in the  
12           previous twelve months.

13          Section 2. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as  
14          follows:

15          If the conviction for a violation of § 35-9-1, 35-9-1.1, or 35-9-2 is for a first offense, the  
16          court shall, in addition to any other penalty allowed by law, order the revocation of the  
17          defendant's driving privileges for a period not less than thirty days and not to exceed one year.  
18          However, the court may issue an order permitting the person to operate a motor vehicle for  
19          purposes of the person's employment or attendance at school or to court-ordered counseling  
20          programs during the hours of the day and the days of the week set forth in the order. The court  
21          may also restrict the privilege in such manner as it sees fit for a period not to exceed one year.

22          If the conviction for a violation of § 35-9-1, 35-9-1.1, or 35-9-2 is for a second or  
23          subsequent offense, the court shall, in addition to any other penalty allowed by law, order the  
24          revocation of the defendant's driving privileges for a period not less than sixty days and not to  
25          exceed one year.

1    **BILL HISTORY**

2    1/15/00 First read in House and referred to committee assignment waived. H.J. 60

3    1/18/00 Referred to State Affairs. H.J. 120

4    1/21/00 Scheduled for Committee hearing on this date.

5    1/24/00 Scheduled for Committee hearing on this date.

6    1/24/00 State Affairs Do Pass Amended, Passed, AYES 11, NAYS 2. H.J. 191

7    1/26/00 House of Representatives Do Pass Amended, Passed, AYES 62, NAYS 6. H.J. 255

8    1/27/00 First read in Senate and referred to State Affairs. S.J. 231

9    2/9/00 Scheduled for Committee hearing on this date.

10   2/9/00 Deferred by Chair.

11   2/11/00 Scheduled for Committee hearing on this date.

12   2/11/00 State Affairs Do Pass Amended, Passed, AYES 6, NAYS 0. S.J. 446